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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,480	12/12/2003	Yasuhiro Ii	6453P019	9599
8791 7590 09/03/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
HUNG, YUBIN				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/734,480

**Applicant(s)**

II, YASUHIRO

**Examiner**

YUBIN HUNG

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 30 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

***Response to Amendment/Arguments***

1. Claims 1-12 are still pending.
2. The replacement sheet for Fig. 4 has been received; accordingly the objection to the drawings has been withdrawn.
3. In view of applicant's amendment the objection to the specification has been withdrawn.
4. In view of applicant's amendment the 35 USC 112 rejections of claims 1-12 have been withdrawn.
5. Applicant argues that Blumberg cannot not teach or suggest displaying a thumbnail image in claim 1. (See P. 11, 4<sup>th</sup> paragraph-P. 12, 1<sup>st</sup> paragraph of the response.) However, Blumberg was relied upon to teach displaying a desired image at a resolution acquired from a client computer. That the desired image is a thumbnail is disclosed by Deshpande. Therefore the argument is not persuasive.
6. Applicant further argues that the format type of a data file is not equivalent to a font size of text data. (See P. 12, paragraph 2-P. 13, 1<sup>st</sup> paragraph.) However, in Fig. 14 of the instance application, color images and monochrome images are considered as

different format type, although in the art both would have been normally considered as image type (and typically would have a file extension such as "bmp", "jpg", etc. depending on how they are compressed; a word processing document would have an extension such as "doc"). Therefore it is clear that applicant also considered different representations (e.g., color or monochrome) of the same type of data (i.e., images) as being of different format types. Since different fonts are different representations of character data, they can similarly be considered as of different format types, in light of the instance specification. Therefore the argument is not persuasive.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 4-6, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande et al. (US 7,206,804), and further in view of Blumberg (US 6,708,309) and Iwata et al. (US 7,127,673).

9. Regarding claim 2, Deshpande discloses a server computer [Fig. 1, ref. 2] causing a thumbnail image to be displayed on a display unit of a client computer [Fig. 1, refs. "client," 14 (display) in accordance with an instruction therefrom [Col. 4, lines 17-26; Fig. 8 and Col. 12, lines 11-21 (displayed thumbnail)] connected to the server via a network [Fig. 1, "network"]. Deshpande further discloses

- a thumbnail image storage unit to store in a storage unit a first compressed code relating to an image [Col. 11, lines 4-7 (storage unit; note that the JPEG 2000 image file is the first compressed code; note further that, while not expressly mentioned, the server necessarily has to have a storage unit in order to store the files). Col. 4, lines 17-27 (related thumbnail image). Note that the lowest-resolution version of the JPEG2000 image is a version of the thumbnail image; see also Col. 5, lines 21-28]

the first compressed code being generated by dividing the image into a plurality of tiles and performing discrete wavelet transform and hierarchical encoding on pixel values of the image tile by tile, wherein the first compressed code is contained in a data file, and a plurality of thumbnail images are capable of being generated from the first compressed code by extracting different portions of the first compressed code

[Fig. 3; Col. 7, lines 24-52, especially lines 24-26 (dividing into tiles and coding tile by tile) and lines 47-49 (wavelet transform and hierarchical coding); Fig. 9, refs. 112 & 114 (thumbnails of different resolutions) and Col. 12, lines 11-29. Note that 112 and 114, which are different, cannot be from the same portion of the code (otherwise they would have been the same). Note that the compressed code is stored in a data file, e.g., JPEG 2000 file (Col. 11, lines 2-15)]

- a thumbnail image extraction unit to extract a second compressed code according to the resolution acquired by the thumbnail image setting acquisition unit from the first compressed code stored in the storage unit to select the thumbnail image with the resolution [Col. 4, lines 17-26 and Col. 6, lines 6-9. Note that while not recited, to *extract* and transmit the (second) compressed code stream corresponding to a thumbnail image of the requested resolution the server necessarily has to have an extraction unit. Note that if the file formats are different, then the resolutions are different (see the analysis on this feature using Blumberg and lwata below) and therefore the corresponding second compressed codes are also different]
- a thumbnail image transmission unit to transmit the second compressed code extracted by the thumbnail image extraction unit to the client computer [Col. 4, lines 17-26 and Col. 6, lines 6-9. Note that while not recited, to *extract* and *transmit* the (second) compressed code stream corresponding to a thumbnail image of the requested resolution the server necessarily has to have a transmission unit]

While Deshpande further discloses selecting thumbnail resolution to ensure that it has sufficient detail, Deshpande does not expressly disclose the following, which is taught by Blumberg and Iwata:

- a thumbnail image setting acquisition unit to acquire from the client computer a resolution of the thumbnail image, the resolution being set in accordance with the format type of the data file

Blumberg discloses acquiring from the client computer a resolution of the desired image. [Fig. 1, refs. 110 (server), 120 (client) & 160 (request from user); Col. 10, lines 29-64, especially lines 49-50 and 61-64 (note that the user is on the client side and that the resolution is specified as WID and HEI). Note further that while not expressly disclosed, to generate an image with the requested specifications, including the resolution (Col. 10, lines 61-64), the server necessarily has to have a (setting acquisition) unit to obtain the requested resolution, among other information. Note further that the existence of plural thumbnails is disclosed by Deshpande as discussed earlier.]

Furthermore, Iwata discloses setting image resolution (as reflected by its size) according to the format type of the data it represents [Fig. 10, refs. S25-S28 and Col. 10, lines 1-20. Note that format types are indicated by font types].

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Deshpande with the teachings of Blumberg and Iwata as recited above. The motivation would have been for the server to be able to satisfy the request of the client,

as Blumberg indicates in Col. 10, lines 61-64, as well as to ensure that the thumbnail is readable on the screen, as Iwata indicates in Col. 10, lines 16-20.

Therefore it would have been obvious to combine Blumberg and Iwata with Deshpande to obtain the invention as specified in claim 2.

10. Claim 1 is similarly analyzed and rejected per the analysis of claim 2 since a system capable of executing the method of claim 1 has been taught.

11. Regarding claim 4, Official Notice is taken that there exists monochromatic types of images (i.e., images, such as bi-level or gray-scale images, with only a luminance component) and for such types of images the second compressed code can only be extracted from the luminance component (which is the only component) of the first compressed code.

12. Regarding claim 5, per the analysis of claim 2 the combined invention of Deshpande, Blumberg and Iwata discloses a client computer displaying a thumbnail image of an original image of data file stored in a storage unit of a server computer on a display unit, the server computer being connected to the client computer via a network.

The combined invention further discloses: (in the client computer)

- a thumbnail image setting unit to set a resolution of the thumbnail image in accordance with the format type of the data file

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[Deshpande: Col. 4, lines 17-26 and Col. 6, lines 6-9. Note that while not recited, to request thumbnails of the desired resolution (the lowest or otherwise) the client necessarily has to have a setting unit. Note further that lwata teaches format type-dependent resolution, per the analysis of claim 2]

- each format type being associated with one or more resolutions, such that setting the resolution selects the thumbnail image from a plurality of thumbnail images that may be generated from a compressed code related to an image

[Deshpande: Fig. 9, refs. 112 & 114 and Col. 12, lines 11-29 (different thumbnails that can be and are generated by setting the corresponding resolution). Per the analysis of claim 2 above, each file format is associated with a resolution (and therefore with a thumbnail image for a data file of that format because the thumbnail has that resolution). Note further that the file formats for which the thumbnail images are generated vary from image to image and therefore are different]

- a thumbnail image setting transmission unit to transmit the resolution set by the thumbnail image setting unit to the server computer

[Deshpande: Col. 4, lines 17-26 and Col. 6, lines 6-9. Note that while not recited, to send the request for a thumbnail image of the desired resolution the client necessarily has to have a transmission unit]

13. Regarding claim 6, the combined invention further discloses

- wherein the server computer is a server computer as set forth in claim 2

[Per the analyses of claims 2 and 5]

14. Claims 8, 10 and 11 are rejected per the analysis of their respective system claims 2, 5 and 7 since systems capable of executing the corresponding methods implemented by the programs of claims 8-12 have been taught. Note further that the server [Deshpande: Fig. 1, refs. 2 (server), 4 (hosted web pages); Col. 3, lines 31-44] clearly has a computer-readable medium.

\*\*\*\*\*

15. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande et al. (US 7,206,804), Blumberg (US 6,708,309) and lwata et al. (US 7,127,673) as applied to claims 1, 2, 4-6, 8, 10 and 11 above, and further in view of Koide (JP 2001-128109).



16. Regarding claim 3, the combined invention of Deshpande, Blumberg and Iwata discloses all limitations of its parent, claim 2. Per the analysis of claim 2, the combined invention of Deshpande, Blumberg and Iwata further discloses an extraction unit that extracts the second compressed code according to the resolution set in the thumbnail image setting acquisition unit from part of the first compressed code stored in the storage unit.

The combined invention of Deshpande, Blumberg and Iwata does not expressly disclose that when a region of interest (ROI) is specified with respect to the data file, the second compressed code is extracted from the part of the first compressed code relating to a tile of the ROI. However, Koide teaches using the ROI for a thumbnail image (extracted as the second compressed code, per the analysis of claim 2) [Abstract; Fig. 2, refs. S108 (specify ROI), S109 & S110 (extract/compressed thumbnail); Fig. 3; and paragraphs 009 & 026-030 of the English translation]. Note further that to be successful the ROI necessarily has to be extracted from the part of the compressed code relating to a tile of the ROI (since otherwise a wrong portion will be extracted).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combined invention of Deshpande, Blumberg and Iwata with the teaching of Koide as recited above. The motivation would have been to generate a thumbnail

image with which the content of the original image is easily confirmed, as Koide indicates in lines 1-3 of the English abstract.

Therefore it would have been obvious to combine Koide with Deshpande, Blumberg and Iwata to obtain the invention as specified in claim 3.

17. Claim 9, being a medium claim of claim 3, is similarly analyzed and rejected.  
(See also the rejection of claim 8.)

\*\*\*\*\*

18. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande et al. (US 7,206,804), Blumberg (US 6,708,309) and Iwata et al. (US 7,127,673) as applied to claims 1, 2, 4-6, 8, 10 and 11 above, and further in view of Moroo et al. (US 2002/0057281).

19. Regarding claim 7, the combined invention of Deshpande, Blumberg and Iwata discloses all limitations of its parent, claim 5. Deshpande further discloses

- wherein in a case of receiving from the server computer a second compressed code according to the resolution set by the thumbnail image setting unit extracted from part of a first compressed code stored in the storage unit, the thumbnail image is displayed in an enlarged size  
[Fig. 9, ref. 114 and Col. 12, lines 22- 29 (thumbnail enlarged and displayed).  
Note that the same analysis of claim 2 discloses that the thumbnail as recited is received from the server]
- the part of the first compressed code relating to a tile of an ROI

[Per the analysis of claim 3, which is applicable here. Note that the first (respectively, second) compressed code of this claim corresponds to the second (respectively, first) compressed code of claim 3]

In addition, Moroo discloses enlarging images to be displayed (such as thumbnail images of the same format type) to a single size (namely the screen size). [P. 5, paragraph 83, lines 1- 5]. (Note also that per the analysis of claim 5 above Iwata teaches determining image resolution, or size, according to its format size.)

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combined invention of Deshpande, Blumberg and Iwata with the teaching of Moroo as recited above. The motivation would have been to prevent wasteful use of a display screen and display the thumbnail image in an easy-to-see condition, as Moroo indicates in P. 1, paragraph 13, lines 6-10.

Therefore it would have been obvious to combine Moroo with Deshpande, Blumberg and Iwata to obtain the invention as specified in claim 7.

20. Claim 12, being a medium claim of claim 7, is similarly analyzed and rejected. (See also the rejection of claim 8.)

***Conclusion and Contact Information***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Jamzadeh (US 5,568,269) – discloses using different resolutions for different data types [Col. 1, lines 32-37]
- Eschbach (US 5,956,470) discloses using different resolutions for different data types [Col. 1, lines 37-43 and Col. 3, lines 33-37]

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

23. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUBIN HUNG whose telephone number is (571)272-7451. The examiner can normally be reached on 7:30 - 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh M. Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yubin Hung  
Primary Examiner  
Art Unit 2624

/Yubin Hung/  
Primary Examiner, Art Unit 2624